

REMARKS

Claims 1, 12, 13, 18, 19, 21, 23-25, 29-31, 33-36, and 38-49 are currently pending in this application. Claims 12, 13, 18, 19, 29-31, and 41-49 stand withdrawn. Claims 1, 25, 33, and 35 are currently amended. Claims 21, 23, 33-36, and 38-40 are cancelled without prejudice or disclaimer as to the subject matter thereof. Claims 2-11, 14-17, 20, 22, 26-28, 32, 37, and 50 were previously cancelled without prejudice or disclaimer as to the subject matter thereof. Applicants respectfully reserve the right to prosecute the subject matter of the cancelled claims in one or more Continuation or Divisional applications. New claims 51-56 are presented for entry and consideration. Claims 1, 12, 13, 18, 19, 24, 25, 29-31, 41-49, and 51-56 will be pending on entry of the current amendments and new claims.

Amendments

Support for these new claims is found throughout the application as originally filed, *inter alia*, on page 27, lines 22-23. This disclosure clearly refers to the MCF-7 cell line available from the ATCC. This MCF-7 cell line available from the ATCC is designated HTB-22, as seen from the following website address: <http://www.atcc.org/ATCCAdvancedCatalogSearch/ProductDetails/tabid/452/Default.aspx?ATCCNum=HTB-22&Template=cellBiology>. Applicants submit that no new matter is introduced into the specification through the entry of the current amendments and new claims, and Applicants respectfully request that these amendments and new claims be entered in the subject application.

Allowable Claims

Applicants appreciate the Examiner's indication that claims 1 and 25 are allowable. See Office Action Summary, item 5.

Rejections

35 U.S.C. § 112, 1st Paragraph, Written Description

Claims 38-40 were rejected under 35 U.S.C. § 112, 1st paragraph as allegedly failing to

comply with the written description requirement. This rejection has been rendered moot by the cancellation of claims 38-40.

35 U.S.C. § 112, 1st Paragraph, Enablement

A. Claims 33-35

Claims 33-35 were rejected under 35 U.S.C. § 112, 1st paragraph as allegedly failing to provide enablement. This rejection has been rendered moot by the cancellation of claims 33-35.

B. Claim 24

Claim 24 was rejected under 35 U.S.C. § 112, 1st paragraph as allegedly failing to provide enablement. More specifically, the Office Action states that there is insufficient disclosure in the specification regarding the FM3 cell line. It is noted that the Office Action states that “Claim 24 was previously rejected upon the ground set forth below in the prior Office Action of record with regard to the cell line FM3. (Applicant’s response filed 8/17/09, providing the ATCC number of the cell line MCF-7, has overcome the said prior rejection with regard to the cell line MCF-7.)” See Office Action, page 7.

Applicants have amended claim 24 herein to remove the recitation of the FM3 cell line, thereby rendering this rejection moot. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 24 under 35 U.S.C. § 112, 1st paragraph as allegedly failing to provide enablement.

35 U.S.C. § 112, 2nd Paragraph

A. Claims 23 and 34

Claims 23 and 34 were rejected under 35 U.S.C. § 112, 2nd paragraph as allegedly indefinite in the recitation of “... wherein the cancer disease is selected from the group consisting of” This rejection has been rendered moot by the cancellation of claims 23 and 34.

B. Claim 24

Claim 24 was rejected under 35 U.S.C. § 112, 2nd paragraph as allegedly indefinite in the recitation of the cell lines “MCF-7” and “FM3”. The Office Action states that claim 24 does not recite “... the ATCC number of cell line MCF-7 (i.e., ATCC HTB-22) ...”.

Applicants have amended claim 24 herein to recite the ATCC number HTB-22 and to remove the recitation of the FM3 cell line, thereby rendering this rejection moot. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 24 under 35 U.S.C. § 112, 2nd paragraph as allegedly indefinite.

Prior Art Rejections

A. 35 U.S.C. § 102 (b)

1.) Claims 21, 23, 36, and 40 were rejected under 35 U.S.C. § 102 (b), as allegedly anticipated by the disclosure of Andersen *et al* (Cancer Res., 2/2001, 61:869-872) as evidenced by Andersen *et al* (Cancer Res., 2001, 61:5964-5968). This rejection has been rendered moot by the cancellation of claims 21, 23, 36, and 40.

2.) Claims 21, 23, 36, and 40 were rejected under 35 U.S.C. § 102 (b), as allegedly anticipated by the disclosure of Andersen *et al* (Cancer Res., 2001, 61:5964-5968). This rejection has been rendered moot by the cancellation of claims 21, 23, 36, and 40.

3.) Claims 21, 23, 34-36, and 40 were rejected under 35 U.S.C. § 102 (b), as allegedly anticipated by the disclosure of International Publication No. WO 02/072631 (9/19/2002). This rejection has been rendered moot by the cancellation of claims 21, 23, 34-36, and 40.

B. 35 U.S.C. § 103(a)

1.) Claims 21, 23, 34-36, and 40 were rejected under 35 U.S.C. § 103(a) as allegedly obvious over Anderson *et al* (2001, 61:5964-5968) in view of U.S. Patent No. 6,572,864. This rejection has been rendered moot by the cancellation of claims 21, 23, 34-36, and 40.

2.) Claims 21, 23, 34-36, and 40 were rejected under 35 U.S.C. § 103(a) as allegedly obvious over Anderson *et al* (2/2001, 61:869-872) in view of U.S. Patent No. 6,572,864. This rejection has been rendered moot by the cancellation of claims 21, 23, 34-36, and 40.

CONCLUSION

An indication of allowance of all claims is respectfully solicited. Early notification of a favorable consideration is respectfully requested.

Respectfully submitted,

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